

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Timothy Scholtes,

Civil No. 07-2604 (DWF/FLN)

Plaintiff,

v.

**ORDER**

Michael J. Astrue,  
Commissioner of Social Security,

Defendant.

---

Randall J. Fuller, Esq., Midwest Disability, PA, counsel for Plaintiff.

Lonnie F. Bryan, Assistant United States Attorney, United States Attorney's Office,  
counsel for Defendant.

---

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by  
United States Magistrate Judge Franklin L. Noel dated April 25, 2008, all the files and  
records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that:

1. Plaintiff's motion for summary judgment (Doc. No. 5) is **DENIED**.
2. Defendant's motion for summary judgment (Doc. No. 10) is **GRANTED**.

Dated: June 11, 2008

s/Donovan W. Frank  
DONOVAN W. FRANK  
Judge of United States District Court